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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF IRRIGATION AND POWER

ORDERS

New Delhi, the 28th February 1961

G.S.R. 326.—In exercise of the powers conferred by sub-section (2) of section 66A of the Wakf Act, 1954 (29 of 1954), the Central Government, after consulting the Governments of Andhra Pradesh, Maharashtra and Mysore, approves with certain modifications the Scheme forwarded by the Government of Andhra Pradesh relating to the dissolution of the Hyderabad Muslim Wakfs Board and to the establishment of a new Wakf Board for the whole of the State of Andhra Pradesh and for the purpose of giving effect to the said Scheme, the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Hyderabad Muslim Wakfs Board (Dissolution) Order, 1961.

(2) It shall come into force on the 4th day of March, 1961.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) "Act" means the Wakf Act, 1954 (29 of 1954);
- (b) "appointed day" means the date of commencement of this Order;
- (c) "existing Board" means the Hyderabad Muslim Wakfs Board established under the Act in the territories which immediately before 1st November, 1956, were comprised in the State of Hyderabad;
- (d) "Karnatak Region" means the territories specified in clause (c) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (37 of 1956);
- (e) "Marathwada Board" means the Board of Wakfs established under the Act for the Marathwada Region by the Government of Maharashtra;
- (f) "Marathwada Region" means the territories specified in clause (b) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956);
- (g) "Mysore Board" means the Board of Wakfs established under the Act for the State of Mysore by the Government of Mysore.

3. Dissolution of the existing Board and establishment of a new Board.—As from the appointed day, the existing Board shall stand dissolved and there shall be established under section 9 of the Act, a Board of Wakfs, hereinafter called the new Board, for the whole of the State of Andhra Pradesh.

4. Provisions regarding registration of Wakfs situate wholly in one State or partly in one State and partly in another State.—Where a Wakf under the supervision of the existing Board has been registered, or is deemed to have been

registered, under the Act before the appointed day and the whole Wakf property attached to it is immediately before that day—

- (i) situate in one State, such Wakf shall on that day be deemed to be registered without any further inquiry, charge or fee in that State and the registration of that Wakf under the Act in any other State shall be deemed to be cancelled;
- (ii) situate partly in one State and partly in another State, such Wakf shall, on that day, be deemed to be registered without any further inquiry, charge or fee in each of those States, to the extent of the property situate in each State.

5. Transfer of assets, rights and liabilities of the existing Board.—All assets, rights and liabilities of the existing Board (including the rights and liabilities under any contract made by it) as they stood immediately before the appointed day shall, with effect from the appointed day—

- (a) if the assets are situate, the right accrues or the liability arises in the Marathwada Region, pass to the Marathwada Board;
- (b) if the assets are situate, the right accrues or the liability arises in the Karnatak Region, pass to the Mysore Board;
- (c) in any other case pass to the new Board,

subject to the same terms and conditions on which they were held, exercised and discharged by the existing Board.

6. Recovery of outstanding contributions and dues.—The right to recover contribution and other dues payable, but not recovered, before the appointed day in respect of any Wakf property under the supervision of the existing Board, shall belong—

- (a) where the whole of the Wakf property is situate in one State on the appointed day, to the Wakf Board having jurisdiction over the area within which such property is situate; and
- (b) in other cases, to the Wakfs Board of the State wherein the property is deemed, on the appointed day, to have been registered under clause 4 of this Order.

7. Provisions relating to the employees of the existing Board.—(1) (a) Every employee of the existing Board who, immediately before the appointed day, is serving exclusively in connection with the affairs of the existing Board relating to the Marathwada Region shall, as from that day, stand transferred to and become employee of the Marathwada Board and the services rendered by such employee for all purposes, be deemed to be services rendered by the employees of the Marathwada Board;

(b) Every employee of the existing Board who, immediately before the appointed day, is serving exclusively in connection with the affairs of the existing Board relating to the Karnatak Region shall, as from that day, stand transferred to and become employee of the Mysore Board and the services rendered by such employee shall, for all purposes, be deemed, to be services rendered by the employees of the Mysore Board;

(c) All other employees of the existing Board shall, as from the appointed day, stand transferred to and become employees of the new Board and the services rendered by such employees under the existing Board shall, for all purposes, be deemed to be services rendered by the employees of the new Board.

(2) Every such employee shall also be entitled, and be subject, to the same conditions of service and the same rights and liabilities as respects disciplinary matters as he was entitled, and subject to, immediately before the appointed day.

8. Transfer of records.—(1) All records and other documents belonging to the existing Board and exclusively relatable to the Marathwada Region shall, with effect from the appointed day, belong to the Marathwada Board.

(2) All records and other documents belonging to the existing Board and exclusively relatable to the Karnatak Region shall, with effect from the appointed day, belong to the Mysore Board.

(3) All other records and documents belonging to the existing Board shall, with effect from the appointed day, belong to the new Board.

9. Special provisions relating to certain proceedings pending before the existing Board.—All such proceedings pending before the existing Board immediately before the appointed day, as are certified by that Board, having regard to the situation of the Wakf properties and other circumstances—

- (a) to be proceedings which ought to be disposed of by the Marathwada Board shall, as soon as may be, after such certification, be transferred to the Marathwada Board;
- (b) to be proceedings which ought to be disposed of by the Mysore Board shall, as soon as may be, after such certification, be transferred to the Mysore Board;
- (c) to be proceedings which ought to be disposed of by the new Board shall, as soon as may be, after such certification, be transferred to the new Board.

10. Legal Proceedings.—Where immediately before the appointed day, the existing Board is a party to any legal proceedings instituted in any court or tribunal in the State of Andhra Pradesh, Maharashtra or Mysore, the new Board, the Marathwada Board or the Mysore Board as the case may be, shall be deemed to be substituted after that day as a party to those proceedings or added as a party thereto and the proceedings may continue accordingly.

11. Regulations made by the existing Board to continue in force.—All regulations made by the existing Board and in force immediately before the appointed day shall, until altered by the new Board, continue to be in force in the State of Andhra Pradesh in the areas in which they were in force before that day.

12. Provisions relating to things done or actions taken by the existing Board.—

- (1) All things done or actions taken in the State of Andhra Pradesh by the existing Board under the Act before the appointed day, shall be deemed to be things done or actions taken by the new Board.

- (2) All things done or actions taken by or on behalf of the existing Board in the Marathwada Region under the Act before the appointed day, shall be deemed to be things done or actions taken by the Marathwada Board.

- (3) All things done or actions taken in the Karanatak Region by or on behalf of the existing Board under the Act before the appointed day, shall be deemed to be things done or actions taken by the Mysore Board.

[No. 2(3)59-M.W.]

G.S.R. 327.—In exercise of the powers conferred by sub-section (2) of Section 65A of the Wakf Act, 1954, (29 of 1954) the Central Government approves with certain modifications the Scheme forwarded by the Government of Mysore relating to the dissolution of the Mysore Board of Wakfs and the Coorg Muslim Wakf Board and to the establishment of a new Wakf Board in the whole of the Mysore State other than the Bombay Region and for the purpose of giving effect to the said Scheme, the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Mysore Board of Wakfs and the Coorg Muslim Wakf Board (Dissolution) Order, 1961.

(2) It shall come into force on the 4th day of March, 1961.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) “Act” means the Wakf Act, 1954 (29 of 1954);
- (b) “appointed day” means the date of commencement of this Order;
- (c) “Bombay Region” means the territories specified in clause (b) of sub-section (1) of Section 7 of the States Reorganisation Act, 1956 (37 of 1956);
- (d) “existing Boards” means the Mysore Board of Wakfs and the Coorg Muslim Wakf Board established under the Act.

3. Dissolution of the existing Boards and establishment of a new Board.—As from the appointed day, the existing Boards shall stand dissolved and there shall be established under section 9 of the Act a Board of Wakfs, hereinafter called the new Board, for the entire State of Mysore other than the Bombay Region.

4. Transfer of assets and liabilities of the existing Boards.—Subject to the other provisions of this Order, all assets, rights and liabilities of the existing Boards (including the rights and liabilities under any contract made by them)

shall, with effect from the appointed day, stand transferred wholly to the new Board, subject to the same terms and conditions on which they were held, exercised and discharged by the existing Boards.

5. Provision relating to the employees of the existing Boards.—All employees of the existing Boards shall, as from the appointed day, stand transferred to and become employees of the new Board and the services rendered by such employees under the existing Boards shall, for all purposes be deemed to be services rendered by employees of the new Board.

Every such employee shall also be entitled, and subject, to the same conditions of service and the same rights and liabilities as respects disciplinary matters as they were entitled, and subject, to immediately before the appointed day.

6. Transfer of records.—All records and other documents belonging to the existing Boards shall, with effect from the appointed day, belong to the new Board.

7. Regulations made by the existing Boards to continue in force.—All regulations made by the existing Boards and in force immediately before the appointed day shall, until altered by the new Board, continue to be in force in the State of Mysore in the areas in which they were in force before such dissolution.

8. Special provision relating to proceedings pending before the existing Boards.—Such proceedings pending before the existing Boards immediately before the appointed day, as are certified by them to be the proceedings which ought to be disposed of by the new Board, shall stand transferred to the new Board for disposal.

9. Legal proceedings.—Where immediately before the appointed day, an existing Board is party to any legal proceedings in any court or tribunal, the new Board shall, with effect from the appointed day, be deemed to be substituted as a party to those proceedings or added as a party thereto and the proceedings may continue accordingly.

10. Provision relating to things done or actions taken by the existing Boards.—All things done or actions taken in the State of Mysore by the existing Boards under the Act before the appointed day shall be deemed to be things done or actions taken by the new Board.

[No. 2/5/59-M.W.]

P. P. AGARWAL, Jt. Secy.